

### **REMARKS**

Claims 27-29 and 32-60 were pending in the instant application. Claims 27-29 have been cancelled and claim 55 has been amended. Support for the amendment to claim 55 can be found in the specification and claims, as originally filed. Claims 27-29 and 32-60 are pending in the instant application. No new matter has been added. After entry of the instant amendment, claims 32-60 will be pending.

Cancellation and/or amendment to the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to expedite prosecution.

Attached hereto is Appendix A, captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**". The attached Appendix includes a marked-up version of the changes made to the claims by current amendment.

Applicants gratefully acknowledge the indication of allowability of claims 32-37 and 41-54.

#### **Rejection of Claims 27-28, 30-32 and 43-44 under 35 U.S.C. 102(b)**

The Examiner has rejected claims 38-40 and 55-60 as being anticipated by Woodworth *et al.* (1990). The Examiner relies on the Woodworth *et al.* (1990) reference as providing "expression of the amino terminal half of human serum transferrin by transformed eukaryotic cells, in the expression vector pNUT". The Examiner further states that "[a] site-directed mutant at D63 is also disclosed and thus anticipates claims 38-40 and 55-56." Applicants respectfully traverse.

The Examiner states at page 3, first paragraph, that "[a]lthough the conference did not occur until 24 February 1990, part C of the abstracts (in which the current citation occurs) was available as of 3 February 1990; the reference is thus indeed considered to have been published more than one year before the priority date." By contrast, Applicants submit that Supplement 14C to the Journal of Cellular Biochemistry was not published until June, 1990 (well after the close of the UCLA Symposium). Regarding

this fact, Applicants intend to imminently submit evidence from the editors of the Journal of Cellular Biochemistry attesting to the publication date of Supplement 14C.

The present application is a continuation of Application Serial Number 08/175,158, now U.S. Patent No. 5,986,067, which was a continuation-in part of Application Serial Number 07/832,029 filed February 6, 1992, now abandoned, which was a continuation-in-part of U.S. Application Serial Number 07/652,869 filed February 8, 1991, now abandoned. As such, the present application claims priority to U.S. Application Serial Number 07/652,869 filed February 8, 1991 (now abandoned). As the Woodworth *et al.* (1990) reference was not published until June, 1990 (less than one year before the priority date of this application) and the reference is a publication by Applicants, it is submitted that the reference is not available as prior art. Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 38-40.

Rejection of Claims 27-29 and 55-60 under 35 U.S.C. 103(a)

The Examiner has rejected claims 27-29 and 55-60 under 35 U.S.C. 103(a) as being unpatentable over Bowman *et al.* in view of Woodworth *et al.* (1989). Applicants respectfully traverse.

In order to expedite a timely allowance of the instant application, claims 27-29 have been cancelled and claim 55 (and, accordingly, dependent claims 56-60) have been amended. Applicants reserve the right to prosecute any of the cancelled and/or amended claims in a continuing application. Applicants respectfully submit that the cancellation of claims 27-29 and amendment of claim 55 obviate the rejection under 35 U.S.C. 103(a). Applicants request reconsideration and withdrawal of the rejection.

**CONCLUSION**

In view of the foregoing remarks, reconsideration of the rejections and allowance of all pending claims is respectfully requested.

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the examiner is urged to call Applicant's Attorney at (617) 227-7400.

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

In the claims:

Claim 55 has been amended, as follows:

55. An eukaryotic cell line transfected with the vector of any one of claims [27, 28,] 32, 33, 38, 39, 44 and 45.